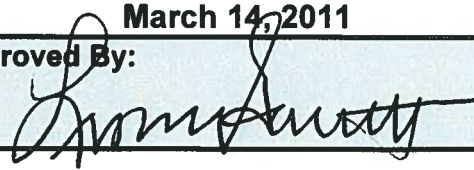




*County of Los Angeles*  
*Department of Human Resources*  
**POLICIES, PROCEDURES, AND GUIDELINES**

<b>Subject:</b>  <b>EMPLOYEES' COOPERATION IN THE ADMINISTRATIVE INVESTIGATION PROCESS</b>	<b>Policy Number:</b>  <b>910</b>	<b>Page(s):</b>  <b>2</b>
	<b>Effective Date:</b>  <b>March 14, 2011</b>	
	<b>Approved By:</b> 	

**POLICY**

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It is the policy of the County of Los Angeles that all County employees fully cooperate in, and not take any action that could interfere with, delay, obstruct, distort, or influence, any administrative investigation process conducted by the County of Los Angeles or any authorized agency. Pursuant to Civil Service Rule 18.031, failure to cooperate when ordered to do so and when properly advised of their rights, as applicable, may subject employees to disciplinary action, up to and including discharge. In addition, any investigation or inquiry on employees shall comply with applicable provisions of law including, but not limited to, those provisions set forth in the "Authority" section of this policy.

**GUIDELINES**

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County employees are required to fully cooperate with internal administrative investigations in their respective departments as well as those being conducted by agencies within, or external to, the County. Employees shall make full, complete, and truthful statements during an administrative investigation when ordered to do so provided, as may be applicable, that they have been advised of their rights.

For purposes of this policy, an administrative investigation shall include, but is not limited to, any review, inquiry or similar activity conducted by representatives of the various departments of the County of Los Angeles or any other authorized agency.

Employees shall not take any action that could intimidate or influence any participant in an investigation, nor engage in any conversation that could interfere with, delay, obstruct, or influence an investigation. Any employee who provides false evidence, withholds evidence, or interferes in any way during an investigation, or requests or encourages another to do so, shall be deemed to have obstructed the investigation.

The department head or designee shall provide notification to the employee of his/her required participation in the investigation, advise the employee of his/her role in the investigative process, as appropriate, and of the consequences of his/her failure to cooperate in the investigation.

**Subject:**

**EMPLOYEES' COOPERATION IN THE  
ADMINISTRATIVE INVESTIGATION PROCESS**

**Policy Number: 910**

**Effective Date: March 14, 2011**

Employees may assert their right to representation. If an employee requests representation, that request shall not unreasonably delay the investigation. The employee's representative may advise the employee, but is not allowed to answer questions on behalf of the employee as this may impair the integrity of the interview process. However, the employee's representative may supplement the employee's response and/or assist the employee to ensure that the response is clear. The representative should not knowingly have, to the extent possible, any personal involvement to the matter under investigation.

Interviews with employees shall take place during regular business hours, or while on-duty. If not feasible, off-duty interviews must be compensated consistent with the provisions of law or County policy including, but not limited to, the Fair Labor Standards Act.

The employee may be instructed to maintain confidentiality and if so, shall not discuss or disclose any information pertaining to the investigation with other employees. However, the employee is not precluded from consulting with the shop steward, union representative, or private counsel. The employee should also be instructed to refer any inquiries regarding the interview to the investigator in charge of the case.

Any questions regarding this policy should be directed to the Department of Human Resources, HR Departmental Support Division, at (213) 351-8945.

**AUTHORITY**

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Civil Service Rule 18.031, *Discipline*

Spielbauer v. County of Santa Clara, 45 Cal 4<sup>th</sup> 704; 199 P. 3d 1125; 88 Cal. Rptr. 3d 590 (2009)

Lybarger v. City of Los Angeles, 40 Cal 3d 822, 710 P. 2d 329; 221 Cal. Rptr. 529 (1985)

Upland Police Officers Assn vs. City of Upland, 111 Cal 4<sup>th</sup> 1294 (2003)

Garrity v. State of New Jersey, 385 U.S. 493, 87 S.Ct. 616, 17 L.Ed.2d 562 U. S.

NLRB v. Weingarten, Inc., 420 US 251(1975)

Skelly v. State Personnel Board, 15 Cal.3d 194 (1975)

California Government Code Section 3300-3311, Public Safety Officers Procedural Bill of Rights

California Government Code Section 3250-3262, Firefighters Procedural Bill of Rights

**DATE ISSUED:**

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